

INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

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Applicant's or agent's file reference E-1311/02 BIS	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/EP 03/06083	International filing date (day/month/year) 12.06.2003	Priority date (day/month/year) 12.06.2002
International Patent Classification (IPC) or both national classification and IPC F01P7/16		
Applicant MARK IV SYSTEMES MOTEURS (SOCIETE ANONYME) et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
- These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 12.01.2004	Date of completion of this report 05.11.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Mallo Lopez, M Telephone No. +49 89 2399-2958 

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EXAMINATION REPORT**

International application No. **PCT/EP 03/06083**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-5 as originally filed

Claims, Numbers

1-8 as originally filed

Drawings, Sheets

1/2, 2/2 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-8
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-8
Industrial applicability (IA)	Yes: Claims	1-8
	No: Claims	

2. Citations and explanations

see separate sheet

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ITEM V

1. Reference is made to the following document:

D1: EP 0 825 510 A.

2. In claim 1 is unclear whether the features affected by the expression "substantially consisting of...", see second line of claim 1 (page 6, line 4), are comprised in the claimed invention or not (Article 6 PCT).

Insofar as claim 1 can be understood, the document D1 discloses (see column 3, line 30 to column 4, line 26 and figures 1 and 4) a water outlet box (1, 2) comprising a regulating thermostat (3) consisting of a valve (15) to block an opening of a passage emerging in said box, said valve (15) being carried and centred by a portion of frontal spindle (13) engaged in a bearing (14), which is integral with the box (1; see column 3, lines 37-38), stressed against its seat, formed by the peripheral edge of the above-mentioned opening by an elastic loading means (20) and moved away from said seat by a pressure means (12) which reacts to heat, said means with opposed actions resting on a stress-absorbing clamp (16) which also ensures that said thermostat is mounted and positioned in cooperation with said bearing, wherein said box (1, 2) comprises, on the internal face of its constitutive wall (8), at least two internal protrusions (5) providing permanent support surfaces for the clamp (16) of said thermostat (3) before and after installation of said box (1, 2).

The subject-matter of claim 1 therefore differs from this known water outlet box only in that the box, instead of being produced partially in plastic and partially in metal, is produced in a thermoplastic material.

A thermoplastic material is, however, merely one of several straightforward materials from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill, in order to solve the problem posed (see also the description of the application, page 2, lines 4-5).

Consequently, the present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 does not involve an inventive step in the sense

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of Article 33(3) PCT.

3. Further remarks

- 3.1 Since lateral legs of the stress-absorbing clamp are first defined in claim 2, claim 7 should first refer to claim 2. The reference of claim 7 to claim 1 is therefore unclear.
- 3.2 Claim 8 is an independent claim. Each independent claim should define all the essential features of the claimed invention. Therefore in order to be clear claim 8 should read from line 7 to 9 as follows: "...in such a way that a portion of frontal spindle **of the valve** adjacent to the valve is engaged in a bearing **integral with the first box part**, in then compressing elastic means **for stressing the valve against its seat** and applying the valve against its seat by pushing a stress-absorbing clamp..." (Article 6 PCT).
- 3.3 Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in D1 is not mentioned in the description, nor is this document identified therein.
- 3.4 The invention is not disclosed as claimed in independent process claim 8 (Rule 5.1(a)(iii) PCT).
- 3.5 The features of the preamble of claim 1 are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).